

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: Jerry Michael DeMaio
Fayella DeMaio

Case No.: 19-23018 MBK

Judge: Michael B. Kaplan

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Modified/Notice Required

Date: July 22, 2019

☐ Motions Included

☐ Modified/No Notice Required

**THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13 OF THE BANKRUPTCY CODE.
YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)
Attorney

JRR

Initial Debtor: JMD

Initial Co-Debtor F D

Part 1: Payment and Length of Plan

- a. The debtor shall pay 6,000.00 Monthly to the Chapter 13 Trustee, starting on August 1, 2019 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
 - ☐ Refinance of real property:
Description:
Proposed date for completion: _____
 - ☒ Loan modification with respect to mortgage encumbering property:
Description: Debtor will apply for a loan modification
Proposed date for completion: January 30, 2020
- d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☐ NONE

- a. Adequate protection payments will be made in the amount of \$ 1,000.00 monthly to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to Homebridge Financial Services (creditor).
- b. Adequate protection payments will be made in the amount of \$ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Taxes and certain other debts	210,939.00
Internal Revenue Service	Taxes and certain other debts	4,868.00
State of New Jersey	Taxes and certain other debts	10,319.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Homebridge Financial Services	476 Washington Road Sayreville, NJ 08872	60,000.00	0.00	60,000.00	3,100.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor: Internal Revenue Service: Federal Tax Lien recorded on May 14, 2015 Book 107; Page 764

g. Secured Claims to be Paid in Full Through the Plan ☐ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
Nissan-infiniti Lt	2015 Infiniti G63 80000 miles	14,719.56
Public Tax Investments LLC	476 Washington Road Sayreville, NJ 08872 Middlesex County Primary Residence:	1,000.00
TWR as Custodian for Ebury Fund 1 NJ LLC	476 Washington Road Sayreville, NJ 08872 Middlesex County Primary Residence:	1,999.80
State of New Jersey	2017 Tax Liability Certificate of Debt DJ 082276-2017	14,398.00

Part 5: Unsecured Claims ☐ **NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: July 22, 2019

/s/ Jerry Michael DeMaio

Jerry Michael DeMaio

Debtor

Date: July 22, 2019

/s/ Fayella DeMaio

Fayella DeMaio

Joint Debtor

Date: July 22, 2019

/s/ Jacqueline Rita Rocci

Jacqueline Rita Rocci 2911

Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Jerry Michael DeMaio
 Fayella DeMaio
 Debtors

Case No. 19-23018-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 40

Date Rcvd: Jul 23, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 25, 2019.

db/jdb +Jerry Michael DeMaio, Fayella DeMaio, 476 Washington Road, Sayreville, NJ 08872-1953
 cr Infiniti Financial Services, a division of Nissan, P.O. Box 660366, Dallas, TX 75266-0366
 518331955 +American Express, Po Box 297871, Fort Lauderdale, FL 33329-7871
 518331956 Ars Account Resolution, 1643 Nw 136 Ave Bld H St, Sunrise, FL 33323
 518331957 +Aspire, Po Box 105555, Atlanta, GA 30348-5555
 518331958 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
 518331959 Cach Llc/resurgent Cap, C/o Resurgent Capital Services, Greenville, SC 29602
 518331963 +Hackensack Meridian Health, Riverview Medical Center, 1 Riverview Plaza,
 Red Bank, NJ 07701-1872
 518331964 +Homebridge Financial Services, 425 Phillips Blvd, Ewing, NJ 08618-1430
 518331966 +Jpmcb - Card Service, Po Box 15369, Wilmington, DE 19850-5369
 518331967 +Jpmcb Auto, Po Box 901003, Ft Worth, TX 76101-2003
 518331968 +Macy's/dsnb, Po Box 8218, Mason, OH 45040-8218
 518331970 +Nissan-infiniti Lt, Pob 660366, Dallas, TX 75266-0366
 518331973 +Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020
 518331974 +Princeton House, 905 Herrontown Rd, Princeton, NJ 08540-1998
 518331975 +Prosper Marketplace In, 221 Main St Ste 300, San Francisco, CA 94105-1909
 518331977 +RMA of New Jersey, 140 Allen Road, Basking Ridge, NJ 07920-2976
 518331976 +Remex Inc, 307 Wall St, Princeton, NJ 08540-1515
 518331979 +STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of the Treasury,
 Division of Taxation-Bankruptcy Depart, PO Box 245, Trenton, NJ 08646-0245)
 518331980 +Summit Oaks Hospital, 19 Prospect Street, Summit, NJ 07901-2531
 518331985 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
 518331986 +The Bureaus Inc, 1717 Central St, Evanston, IL 60201-1507
 518331987 Verizon Wireless/sou, National Recovery Operations, Minneapolis, MN 55426
 518331988 +Wells Fargo Dealer Svc, Po Box 10709, Raleigh, NC 27605-0709

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 23 2019 23:43:34 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jul 23 2019 23:43:30 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 518331954 +E-mail/Text: ally@ebn.phinsolutions.com Jul 23 2019 23:42:25 Ally Financial,
 P.O. Box 380901, Bloomington, MN 55438-0901
 518331960 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 23 2019 23:51:44
 Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
 518331961 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 23 2019 23:43:02 Comenitybank/victoria,
 Po Box 182789, Columbus, OH 43218-2789
 518331962 +E-mail/PDF: creditonebknotifications@resurgent.com Jul 23 2019 23:51:12 Credit One Bank Na,
 Po Box 98872, Las Vegas, NV 89193-8872
 518331965 E-mail/Text: cio.bncmail@irs.gov Jul 23 2019 23:42:43 Internal Revenue Service,
 Department of the Treasury, PO Box 21126, Philadelphia, PA 19114
 518331969 +E-mail/Text: bankruptcydpt@mcsmcg.com Jul 23 2019 23:43:30 Midland Funding LLC,
 8875 Aero Drive, San Diego, CA 92123-2255
 518331971 +E-mail/Text: bnc@nordstrom.com Jul 23 2019 23:42:38 Nordstrom/tD Bank Usa,
 13531 E. Caley Ave, Englewood, CO 80111-6504
 518331972 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 24 2019 00:07:24
 Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
 518331978 +E-mail/Text: rwjebn@rwjbh.org Jul 23 2019 23:44:19 Robert Wood Johnson Hospital,
 One Robert Wood Johnson Place, New Brunswick, NJ 08901-1966
 518331981 +E-mail/PDF: gecsed@recoverycorp.com Jul 23 2019 23:51:34 Synch/banana Republi,
 Po Box 965005, Orlando, FL 32896-5005
 518331982 +E-mail/PDF: gecsed@recoverycorp.com Jul 23 2019 23:51:34 Synch/lowes, Po Box 956005,
 Orlando, FL 32896-0001
 518331983 +E-mail/PDF: gecsed@recoverycorp.com Jul 23 2019 23:51:33 Synch/score Rewards,
 P.O. Box 965005, Orlando, FL 32896-5005
 518333266 +E-mail/PDF: gecsed@recoverycorp.com Jul 23 2019 23:51:33 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 518331984 +E-mail/PDF: gecsed@recoverycorp.com Jul 23 2019 23:51:33 Synchrony Bank/PC Richards & Sons,
 Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060

TOTAL: 16

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 40

Date Rcvd: Jul 23, 2019

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 25, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 22, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Jacqueline Rita Rocci on behalf of Debtor Jerry Michael DeMaio jacqueline@rocciesquire.com
Jacqueline Rita Rocci on behalf of Joint Debtor Fayella DeMaio jacqueline@rocciesquire.com
John R. Morton, Jr. on behalf of Creditor Infiniti Financial Services, a division of Nissan
Motor Acceptance Corporation, servicer for Nissan-Infiniti Lt ecfmail@mortoncraig.com,
mortoncraigecf@gmail.com
Rebecca Ann Solarz on behalf of Creditor HomeBridge Financial Services, Inc.
rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6